

**13390. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20020. I. S. No. 20439-v. S. No. W-1692.)

On April 3, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that on or about April 4, 1925, the article was to be shipped in interstate commerce by Swift & Co., from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Glenwood Creamy Butter Pasteurized Net Weight 2 Pounds. Distributed by Swift & Company, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the package containing the said article was labeled "Net Weight 2 Pounds," whereas it contained a less quantity.

On May 4, 1925, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$89, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13391. Adulteration and misbranding of canned oysters. U. S. v. 49 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20037. I. S. No. 20446-v. S. No. W-1698.)

On April 24, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by James B. Eyman Co., from New Orleans, La., March 21, 1925, and transported from the State of Louisiana into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Lopez's Cove Oysters Beauty Brand Net Contents 10 Ozs. Oysters Packed by Lopez-Desporte Packing Co., Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled and branded so as to deceive or mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the drained weight of oysters contained in the said cans was less than stated on the label.

On May 5, 1925, the Lang & Stroh Co., San Francisco, Calif., the consignee of the shipment, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13392. Misbranding of butter. U. S. v. 25 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20027. I. S. No. 20545-v. S. No. W-1688.)

On March 26, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article was being shipped by the American Factors, Inc., from San Francisco, Calif., March 25, 1925, in

interstate commerce from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Package) "Golden State Brand Butter \* \* \* Net Weight 1 Pound. \* \* \* Distributed by Golden State Milk Products Co. General Offices, San Francisco, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the packages were labeled "Net Weight 1 Pound" and contained a less quantity.

On April 9, 1925, the Golden State Milk Products Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$363, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13393. Misbranding of bakery products. U. S. v. the Purity Biscuit Co. Plea of guilty. Fine, \$50.** (F. & D. No. 19313. I. S. Nos. 12298-v, 12299-v, 12300-v, 20901-v.)

On March 11, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Purity Biscuit Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about July 18, 1924, from the State of Utah into the State of Idaho, and on or about July 22, 1924, from the State of Utah into the State of Wyoming, of quantities of bakery products which were misbranded. The articles were labeled, variously, in part: "Vanilla Wafers The Purity Biscuit Company Salt Lake \* \* \* Average Minimum Net Weight 5 Ounces"; "Fig Nuggets The Purity Biscuit Company Salt Lake \* \* \* Average Minimum Net Weight 8 Ounces"; "Ginger Snaps Made By The Purity Biscuit Company Salt Lake \* \* \* Average Minimum Net Weight 1 Pound 6 Ounces."

Examination by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the average net weight of 24 packages of the vanilla wafers was 4.31 ounces; the average net weight of 12 packages of the ginger snaps was 1 pound 5.21 ounces; the average net weight of 24 packages and of 96 packages from the two consignments of fig nuggets was 7.44 ounces and 6.75 ounces, respectively.

Misbranding of the articles was alleged in substance in the information for the reason that the statements "Average Minimum Net Weight 5 Ounces," "Average Minimum Net Weight 8 Ounces," and "Average Minimum Net Weight 1 Pound 6 Ounces," borne on the packages containing the respective articles, were false and misleading, in that the said statements represented that the packages contained the amounts of the respective articles declared on the labels thereof, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the amounts of the respective articles declared on the labels, whereas the packages did not contain the said amounts but did contain less amounts. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13394. Adulteration of canned salmon. U. S. v. 10,178 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17767. I. S. No. 11493-v. S. No. W-1416.)

On September 7, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10,178 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Carlisle Packing Co., from Cordovia, Alaska, August 14, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.